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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,121	02/27/2002	Alin D'Silva	01-1008	5040

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-5, 7-10 and 12-16_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-5, 7-10 and 12-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 12/03/04. Claims 2-5, 7-10 and 12-16

are pending.

Response to Arguments

2.   Applicant's arguments mailed on 12/03/04 have been fully considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 2-5, 7-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Miner et al. (U.S. Patent No. 5,652,789) in view of Aravamudan et al. (U.S. Patent No.

6,301,609).

Regarding claims 4, 14 and 15, Miner teaches receiving, via a data network, reminder data

(i.e., event data) associated with the user, the reminder data comprising information for

connecting the call to the one or more parties and a time period for initiating the call (fig.29, 30;

col.40, lines 15-43).

Miner further teaches storing the reminder data in a database (col.40, lines 6-15, 44-64).

Miner further teaches determining that a current time is within the time period for connecting the call (col.40, line 63- col.41, line 1). (Note; when delivery time comes in, the Cron agent sends the reminder parcel to the user and the reminder message is for calling up a contact, therefore, it is clear that the Cron agent determines a current time which is within the time period for connecting the call)

Miner further teaches notifying the user that the call is about to take place (fig.31; col.41, lines 6-22).

Miner further teaches sending notification message to the user by sending an e-mail message (col.8, lines 3-7). However, Miner does not specifically teach "notifying the user by instant message sent via the data network". Aravamudan teaches notifying the user by instant message sent via the data network (fig.8; col.7, lines 21-40, col.9, lines 10-24). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner to notify the user by instant message sent via the data network taught by Aravamudan. The motivation for the modification is to have doing so in order to notify user while user is on-line without having any inconvenience.

Miner further teaches receiving "call Them" command (i.e., confirmation) from the user via the data network to initiate the call to the one or more parties on behalf of the user (fig.5, 6, 31; col.41, lines 56-63).

Miner further teaches establishing the call between the user and the one or more parties via the telephone network based on the reminder data (fig.5, 31; col.11, lines 22-25, col.41, lines 56-63).

Regarding claims 2 and 12, Miner teaches updating the database to reflect changes in the reminder data (fig.32; col.42, lines 7-32).

Regarding claims 3, 8, 9 and 13, Miner teaches determining based on the reminder data a telephone number associated with the user and a telephone number associated with the one or more parties (fig.29, 30; col.40, lines 15-34, 55-64).

Miner further teaches connecting the call between the user and the one or more parties via the telephone network based on the telephone numbers (fig.31; col.41, lines 56-63).

Regarding claims 5 and 16, Miner teaches establishing at least one reminder data (i.e., event record) corresponding to the call, the reminder data comprising user information and at least one telephone identifier (fig.29, 30; col.40, lines 15-34, 55-64).

Miner further teaches associating the reminder data with an event time (col.40, lines 15-34).

Miner further teaches requesting authorization from the user to initiate the call, based on a current time and the event time (col.41, lines 53-63). (Note; since the user elects not to reschedule the reminder, the user authorizes the electronic assistant to place the call)

However, Miner does not specifically teach "requesting authorization from the user by instant message sent via the data network". Aravamudan teaches requesting authorization from the user by instant message sent via the data network (fig.8; col.7, lines 21-40, col.9, lines 10-24). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner to request authorization from the user by instant message sent via the data network taught by Aravamudan. The motivation for the modification is to have doing so in order to dispose important event without having any inconvenience.

Miner further teaches initiating the call to the at least one party on behalf of the user, based on an affirmative response to the authorization request from the user, the affirmative response sent by the user over the data network (fig.5, 6; col.41, lines 53-63).

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claim 4. Furthermore, Miner teaches an electronic assistant (i.e., transmitter) connecting the user (i.e., caller) via the telephone network to the one or more parties based on the reminder data (fig.5, 31; col.11, lines 22-25, col.41, lines 53-63).

Regarding claim 7, Miner teaches the electronic assistant system (i.e., calendar system) to updating the reminder data (fig.32; col.42, lines 7-32).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elsey et al. (U.S. Pub. No. 2002/0055351) teach Technique for providing personalized information and communications services.

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.
MD SHAFIUL ALAM ELAHEE
May 23, 2005

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